



Department of Planning, Housing, & Community Development

Mayor, Matthew T. Ryan

Tarik Abdelazim, Director

STAFF REPORT

TO: Planning Commission Members
FROM: Planning Housing and Community Development
DATE: September 27, 2013
SUBJECT: 269 Riverside Drive; Floodplain Development Permit
CASE: 2013-46

A. REVIEW REQUESTED

This application would provide for the removal of an illegally constructed landscape berm located within the 100 year floodplain. The applicant constructed the berm from materials excavated from the area of site located within the floodplain without the benefit of a permit. Excess material removed from the floodplain was taken to another parcel owned by the applicant. A Floodplain Development Permit is required for construction activities, including dredging, filling, and excavation, within the floodplain. After the issuance of a Stop Work Order by the City's Code Enforcement Department, the applicant submitted the proposed plan to remove the berm.

B. ADDITIONAL REVIEWS

This project involves the disturbance of greater than one acre of land. Therefore, a Stormwater Pollution Prevention Plan (SWPPP) is required. A SWPPP has been submitted and accepted by the City's Stormwater Officer. The Building Department is waiting to issue a building permit pending the decision of the Planning Commission on the requested Floodplain Development permit. No other approvals are required.

C. STANDARDS FOR APPROVAL OF FLOODPLAIN DEVELOPMENT PERMITS

Chapter 240 of the Binghamton Code of Ordinances designates the Planning Commission as the local floodplain administrator.

Duties of the local administrator shall include:

1. Permit application review.
 - (a) Review all development permit applications to determine that the requirements of Chapter 240 have been satisfied.
 - (b) Review all development permit applications to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.
 - (c) Review all development permit applications to determine if the proposed development adversely affects the area of special flood hazard. For the purposes of this chapter, "adversely affects" means physical damage to adjacent properties. An engineering study may be required of the applicant for this purpose.

[1] If there is no adverse effect, then the permit shall be granted consistent with the provisions of chapter 240.

[2] If there is an adverse effect, then flood damage mitigation measures shall be made a condition of the permit.

D. SITE REVIEW

The subject site is 2.46 acres and contains a single-family dwelling. The site adjoins single-family dwellings to the north, east and west and the Susquehanna River to the south.

E. ENVIRONMENTAL IMPACT

The Planning Commission may be the lead agency to determine any environmental significance.

1. Motion to determine what type of action:
 - a. Type I
 - b. Type II
 - c. Unlisted
2. Determine Lead Agency and other involved agencies.
3. After the Public Hearing Determination of Significance based on:

Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems?*	Aesthetic, agricultural, archaeological, historic or other natural or cultural resources; or community or neighborhood character?***	Vegetation of fauna, fish, shellfish, or wildlife species, significant habitats, or threatened or endangered species?****	A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources?	Growth, subsequent development, or related activities likely to be induced by the proposed action?	Long term, short term, cumulative, or other effects not identified in C-1-C5?	Other impacts (including changes in use of either quantity or type of energy)?
X	X	X	X	X	X	X

* Implementation of Temporary and Permanent Erosion and Sediment Control Practices outlined in the SWPPP would reduce potential for erosion, drainage and flooding resulting specifically from this project to less than significant levels.

**New York State Office of Parks, Recreation and Historic Preservation has reviewed the project and did not identify any concerns related to archaeological or cultural resources.

***There are no known state or federally regulated wetlands within the project area (USGS/NWI Wetland Map and NYSDEC ERM). There are no known rare or endangered species within the project area (NYSDEC ERM and USFWS).

F. FINDINGS

The Planning Commission must make the following finding:

1. That proposed development would not adversely affect the area of special flood hazard.

G. ENCLOSURES

Enclosed are copies of the site plan, application and photographs.

Prepared by:

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